

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.39 - APPOINTMENT OF DESIGNATED EXAMINERS AND DISPOSITIONERS

DOCKET NO. 16-0739-0801

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 16-2403, 66-317, and 56-1003(3)(c), Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

THURSDAY, NOVEMBER 13, 2008 9:00 a.m. PDT	FRIDAY, NOVEMBER 21, 2008 9:30 a.m. MDT	MONDAY, NOVEMBER 24, 2008 10:00 a.m. MDT
H & W Region I Office 1120 Ironwood Drive Large Conference Room Coeur d'Alene, ID	H & W Region VI Office 1070 Highline Road Second Floor, Suite 230 Pocatello, ID	H & W Region IV Office 1720 Westgate Drive Suite D, Room 119 Boise, ID

METHOD OF PARTICIPATION: Persons wishing to participate in this formal negotiated rulemaking must do at least one of the following:

1. Attend a negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at a negotiated rulemaking meeting; or
3. Submit written recommendations and comments to the address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: The Department of Health and Welfare invites you to participate in negotiated rulemaking regarding a new chapter of rules that will set forth the qualifications, appointment requirements, and appointment process for designated examiners and dispositioners. A "designated examiner" assesses individuals in circumstances where they appear to be gravely disabled due to mental illness or pose a grave danger to themselves or others. The designated examiner provides the court with a report stating whether the person is (1) mentally ill, (2) likely to injure himself or others, or (3) lacks the capacity to make informed decisions about treatment. A "dispositioner" is a designated examiner, typically employed by the Department, who determines the appropriate location for care and treatment of involuntary patients. The Department needs to define in rule the requirements for designated examiners and dispositioners to ensure these professionals have the education, training, and experience needed to perform reliably and effectively the duties required by this role.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Jamie Teeter or Kurt Lyles at (208) 334-6997.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, November 26, 2008.

DATED this 2nd day of October, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail